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Myth Vs. Fact

Setting the Record Straight on S. 257: The National Missile Defense Act of 1999

The United States is defenseless against ballistic missile attack. Despite a growing and recognized threat, the Clinton Administration refuses to make a commitment to defend our nation from limited ballistic missile strikes.

S. 257, the National Missile Defense Act of 1999, would make it U.S. policy to deploy as soon as technologically possible an effective National Missile Defense system capable of defending the territory of the United States against ballistic missile attack — whether accidental, unauthorized, or deliberate.

This bi-partisan bill, sponsored by Senators Thad Cochran (R-MS) and Daniel Inouye (D-HI) along with 51 co-sponsors, is one sentence long with strikingly clear language. Yet critics have done their best to misinterpret and misrepresent this bill. Since the Senate will likely debate S. 257 soon, it is imperative that the record be set straight. Listed below are the charges made against the bill followed by the facts.

Charge: The Cochran-Inouye bill is unnecessary and will not bring deployment any sooner. The U.S. is already proceeding as fast as it can.

Fact:

- S. 257 is not intended to alter the schedule of the National Missile Defense (NMD) program. It is intended to establish a policy by which the United States commits itself to defending its citizens against the real and growing threat of ballistic missile attack. The deployment prescribed by S. 257 would occur as soon as the technology for effective defenses is ready — not a day sooner or later. This could be earlier or later than the deployment options currently under consideration in the Administration's national missile defense plan. What would change is that there would no longer be any question about *whether* the United States will defend itself against ballistic missiles.
- If the NMD program has little room for schedule acceleration, the primary reason is that the Clinton Administration squandered the last six years, relegating NMD to caretaker "technology readiness" and "deployment readiness" programs that had no firm deployment objective. S. 257

establishes, for the first time in six years, a firm policy for deployment of a national missile defense as soon as the technology is ready.

Charge: The Cochran-Inouye bill oversimplifies the missile defense equation, ignoring several other considerations.

Fact:

- S. 257 focuses the NMD program on what is logically the first and most important question: are we committed to defending ourselves against the ballistic missile threat? All other considerations, however important, can be addressed in due course. This bill need not be the grab-bag for all issues related to NMD.
- NMD has been treated unlike any other major defense acquisition program in that it has no firm deployment goal. Acquisition programs are by definition intended to put a military system into the field at a specified time. In no other program are we spending billions of dollars with no firm intent to deploy a system. S. 257 will correct this unique and, given the nature of the threat, bizarre aberration characterizing the NMD program.

Charge: The Cochran-Inouye bill mandates deployment of a defense regardless of the security costs, primarily the potential of Russia to refuse to ratify START II, which would sacrifice offensive reductions and would increase the possibility of accidental nuclear attack. It might induce China to increase its arsenal to overcome U.S. defenses.

Fact:

- The START II Treaty has been awaiting Duma ratification for over six years and was ratified by the United States over three years ago. In that time, Russia has threatened to withhold ratification over an endless number of issues, including:
 - U.S. payment for many of Russia's START I implementation costs
 - Relaxation of constraints on Russia under the Conventional Forces in Europe (CFE) Treaty
 - NATO expansion
 - ABM Treaty amendments restricting theater missile defenses
 - Extension of deadlines for Russian compliance with START II
 - Operation Desert Fox in Iraq
 - U.S. actions in Bosnia and Kosovo
- By all accounts — including those of the U.S. Director of Central Intelligence, the Department of Defense, and the Russian Minister of Defense — natural decline, financial constraints, and the

changed post-Cold War strategic situation will bring Russian strategic forces well below START II levels, with or without an arms control agreement. The Clinton Administration already is petitioning Congress for permission to reduce its levels below START I limits, for the same reasons.

- The threat to the United States from small numbers of long-range ballistic missiles in the hands of rogue states is more serious than from the strategic arsenal of the former Soviet Union.
- The limited defenses contemplated by the U.S. NMD program could in no way threaten Russia's retaliatory forces, even under the severely reduced force levels to which they are naturally descending. Talk of "launch on warning of its nuclear forces to preserve its deterrent" is either disingenuous scare-mongering or obsolete Cold War thinking.
- The notion that we should now create a new Mutual Assured Destruction (MAD) relationship with China is Cold War thinking at its worst.

Charge: The bill mandates deployment of a defense regardless of its operational effectiveness and says nothing about the performance requirements.

Fact:

- S. 257 makes it the policy of the United States to deploy an "effective" NMD system as soon as the technology is ready. The Department of Defense has full latitude to determine the system design, operational requirements, test objectives and criteria, contract arrangements, decision milestones, and all other procedures associated with the program — just as it does with every other major defense acquisition program.
- Legislation is usually not criticized for requiring too little Congressional oversight.

Charge: The Cochran-Inouye bill mandates deployment of a defense that is not even designed to protect against most types of missile threats, including short-range ship-launched short missiles, and chemical and biological weapons if divided into hundreds of simple bomblets.

Fact:

- S. 257 makes it the policy of the United States to deploy an effective NMD system as soon as the technology is ready. Inherent in the term "effective" is that the system will be adequately designed to meet the threat. S. 257 gives the Administration full flexibility to determine the specific nature of the threat and the technological solutions to counter it.
- Development of cluster munitions might be a logical evolution of a threat, and any missile defense system should be adaptable to such a threat. But the real world occasionally has to be taken into account, and such a cluster munition capability doesn't materialize in enemy arsenals simply because American academics can draw a picture of it. There is no evidence that the near-term threats will take the form critics claim.

- If such capabilities do evolve, the most effective way to defend against and deter them is to destroy missiles carrying such weapons in the boost phase. But the Anti-Ballistic Missile (ABM) Treaty prohibits most technologies which would be effective against such weapons, underscoring again that agreement's degradation of American security.

Charge: The Cochran-Inouye bill mandates deployment of a defense that cannot work against real-world missile threats. Because the system "is designed against a long-range missile carrying a single warhead" it cannot work against countermeasures.

Fact:

- S. 257 makes it the policy of the United States to deploy an effective NMD system as soon as the technology is ready. It in no way constrains the Defense Department's flexibility in determining the nature of the threat or the design to counter that threat.
- The development of countermeasures is a natural part of the offense-defense cycle, which requires constant adaptation of military systems. Countermeasures to airplanes exist, yet we still use airplanes in combat. Countermeasures to missile defense systems may also exist, although we can expect the threats we face initially to be relatively simpler.
- The logical conclusion of these arguments is that missile defense is impossible and that America must remain defenseless against any threat of attack by ballistic missile, from any source.
- No one would take this idea seriously if it were being made with respect to ships, airplanes, tanks, or, for that matter, an infantryman armed with a rifle. It doesn't deserve to be taken any more seriously when applied to ballistic missiles.
- The future ability of rogue states to penetrate U.S. missile defenses using countermeasures is questionable. But a rogue state won't even have to bother with countermeasures if there are no defenses.
- The notion that America should deliberately leave itself vulnerable to attack or coercion by the growing number of nations seeking ballistic missiles specifically with which to threaten us is repugnant.
- If any NMD system can be so easily circumvented by crude countermeasures developed by backward countries, how exactly does it threaten to undermine the mighty nuclear arsenal of Russia and destroy "strategic stability," as argued above?

Charge: The Cochran-Inouye bill mandates deployment regardless of the real nature of the emerging threat to the United States, including "more effective" delivery means such as truck bombs, suitcase-bombs, and other covert methods.

Missiles leave a trail but covert means avoid retaliation.

Fact:

- There are many means of attacking the United States and all require defense. The existence of one type of threat does not mean that others can be ignored. S. 257 deals with a specific type of threat, from weapons of mass destruction delivered by long-range ballistic missiles. Numerous programs and national resources are directed at countering terrorist threats, but they are not the subject of this bill.
- There is a high degree of consensus on the nature of the threat to the United States from rogue states. Even the Clinton Administration, which has denied the existence of this threat for most of its term of office, now acknowledges it is "real and growing" and is developing much more rapidly than anticipated.
- Proponents of this argument fail to grasp a simple and basic fact: there is a distinction between traditional military capabilities on the one hand, and forms of unconventional warfare such as terrorism on the other. If the objective is only to murder people, covert attacks on water supplies and subways using chemical or biological weapons might be the preferred means, and money spent on missiles might be considered "wasted."
- And yet, many states — some with starving populations — are spending millions on long-range ballistic missiles. Even those ideologically opposed to missile defense should be able to comprehend that these states place a high value on ballistic missiles because missiles have a different purpose.
- These rogues understand a basic concept — that missiles need not be used to be useful. This is a lesson the United States learned long ago. The mere possession of long-range ballistic missiles may allow a state to deter — or to coerce. That is why the United States and the USSR spent billions on these weapons and relatively little on suitcase technology, and why many rogue states are following suit today.

Charge: The bill sends the wrong message to Russia about renegotiating the ABM Treaty, indicating the U.S. is willing to withdraw from the treaty if it cannot be modified and indicating "that the United States is unwilling to negotiate in good faith and to take Russian security concerns into account, thus sabotaging any negotiations before they even start."

Fact:

- S. 257 makes it the policy of the United States to deploy an effective NMD system as soon as the technology is ready. It does not address the ABM Treaty or any other arms control agreement. Its effect on any agreement would be no different than what is currently planned by the Clinton Administration in its "3+3" — now "4+5" — National Missile Defense program.
- However, the willingness of the United States to withdraw from the ABM treaty if it cannot be

modified to accommodate U.S. security needs was stated by the Secretary of Defense on January 20, 1999. This is a responsible and laudable position. Treaties are supposed to enhance, not degrade, national security, and it has become apparent that the 27-year-old ABM Treaty increasingly cannot, in its current form, serve U.S. security interests. Strategically, politically, and technologically, the treaty is hopelessly outdated and is a growing liability which prevents the United States from defending itself against threats that were not envisioned in 1972. If the treaty cannot be modified, then it should be abandoned.

- John Holum, Acting Under Secretary of State for Arms Control and International Security Affairs, put the ABM issue in proper perspective in testimony before the Senate Governmental Affairs Subcommittee on International Security, Proliferation, and Federal Services [5/1/97]: "It seems to me that the determinant here of our national missile defense program, designed to deal with rogue state threats, is going to be what the threat requires, not what the Russians think or what the treaty says."
- Determining to defend itself is not an act of "bad faith" by the United States — it is the only course a sovereign government can take. The ABM Treaty provides for the withdrawal of either party if it determines its supreme national interest is jeopardized; defenselessness against rogue states armed with weapons of mass destruction qualifies as a supreme national interest.
- The U.S. government has bent over backwards to accommodate "Russian security concerns": when Russia demanded changes to the CFE treaty; when Russia demanded extension of START deadlines; and when Russia demanded restrictions on U.S. theater missile defense systems. In response to U.S. initiatives on ABM modifications, the Russian government has stated that it absolutely would not agree to changes to the ABM Treaty. Who is negotiating in bad faith?
- The potential for negotiated changes to the ABM Treaty will be enhanced substantially if the question of "whether" to deploy limited NMD has already been settled. The issue to be negotiated should be *whether* the ABM Treaty is sufficiently flexible to accommodate U.S. national security concerns.

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